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LETTER DATED 5 MAY 1975 FROM THE CHAIRMAN OF THE DELEGATION OF
JAMAICA ADDRESSED TO THE PRESIDENT OF THE CONFERENCE

I should be grateful if the contents of this letter be circulated to all delegations attending the Conference.

It will be recalled that at the 50th Plenary Meeting (in Caracas) the then Chairman of the Group of 77 announced that the Group of 77 had endorsed the candidature of Jamaica for the site of the proposed International Sea-Bed Authority. (See Official Records of the Conference, Vol. 1, p. 211, para. 23). The statement by the Chairman of the Group of 77 was preceded by the undermentioned sequence of events designed to exhaust all means at reaching consensus on the issue:

- (a) The announcement some two years ago of Jamaica's candidature and notification thereof to all members of the United Nations.
- (b) The formal offer of Jamaica as the site for the Headquarters of the Authority made at the 27th Plenary Meeting at Caracas by the Leader of the Jamaican Delegation.
- (c) The endorsement of Jamaica's candidature at Caracas by Regional Groups within the Group of 77.

Since Caracas, the Government of Jamaica continues to receive formal support from several Governments not members of the Group of 77.

The Conference has yet to take a decision on the question of the site of the proposed Authority. However, having regard to the measure of support already received from Governments participating in the Conference, it became necessary for the Government of Jamaica to determine to what extent preparatory arrangements were necessary in the light of the urgency expressed within the Conference for the establishment as early as possible, of a new regime for the law of the sea.

The Jamaican authorities were faced with a situation of either making no preparations at all or making such preliminary preparations as would enable the Authority to be functional within the shortest possible time after its establishment. In reliance upon the wide measure of support expressed so far and in the confident

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expectation that, at the appropriate time, the Conference will decide to site the Headquarters of the Authority in Jamaica, substantial financial commitments and extensive preparatory arrangements have been made to facilitate the suitable establishment of the Headquarters of the Authority at the appropriate time.

It is unnecessary to repeat the indisputable advantages of geographic location in the tranquil Caribbean, communications and infrastructural facilities, climate and environmental attractions which make Jamaica an ideal site for the location of the International Sea-Bed Authority. Nor is it necessary to recall the positive contribution which Jamaica continues to make in the development of the new Law of the Sea and in initiatives for the creation of a new international economic order. Suffice it to say that the combination of physical and other characteristics which have found expression in Jamaica are important guarantees for the efficient functioning of the International Sea-Bed Authority.

The response already received, in relation to the siting of the Headquarters of the International Sea-Bed Authority, makes it an incontrovertible fact that this is one matter on which a very wide margin of consensus has already been reached.

The Government of Jamaica reiterates its profound appreciation to all those Governments which have so steadfastly supported its candidature and reaffirms its relentless commitment to take all steps which are necessary for the proper establishment of the Authority.

Finally, the Government of Jamaica remains convinced that the Governments represented at this Conference will refrain from any action which may rupture the developing consensus regarding the siting of the Headquarters of the International Sea-Bed Authority.

Please accept, etc.

(signed)

K.O. Rattray,
Ambassador,
Chairman,
Jamaican Delegation to the
Third United Nations Conference
on the Law of the Sea.

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Ireland, Ivory Coast, Jamaica, Japan, Jordan, Kuwait, Laos, Lebanon, Lesotho, Liberia, Libyan Arab Republic, Liechtenstein, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mexico, Monaco, Mongolia, Morocco, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman, Pakistan, Panama, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Saudi Arabia, Senegal, Sierra Leone, Somalia, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Thailand, Togo, Tonga, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Upper Volta, Uruguay, Western Samoa, Yemen and Zambia.

"5. Formal credentials in due form which would be effective for the third session of the Conference had been received during a previous session from the following 8 States:

Algeria, Chile, Czechoslovakia, Iran, Mauritania, United Republic of Cameroon, United States of America, Zaire.

"6. The lists of representatives of the following 17 States were communicated to the Executive Secretary by notes verbales or letters:

(a) from the Permanent Representatives or Observers to the United Nations: Argentina, Ghana, Italy, Kenya, Khmer Republic */ , Paraguay, Peru, Republic of Viet-Nam, Singapore, Syrian Arab Republic, Trinidad and Tobago, Tunisia, Turkey and Yugoslavia;

(b) from the Foreign Ministry: Mauritius;

(c) from the Embassy in Bern: Central African Republic;

(d) from the Delegation: Israel.

"7. The credentials of the representatives of Venezuela were communicated to the Executive Secretary in the form of a cable by the Foreign Minister.

"8. The Governments of the following States informed the Executive Secretary that they would not attend the third session of the Conference:

Equatorial Guinea, Malawi, Maldives and South Africa.

"9. No further communication has been received from the Government of the Democratic Republic of Viet-Nam since the cable dated 22 November 1975 from the Minister for Foreign Affairs addressed to the Secretary-General (contained in document A/9350 dated 27 November 1975).

"10. On 30 April 1975, the Secretary-General received a cable from the Foreign Minister of the Royal Government of National Union of Cambodia stating:

'The Royal Government of National Union of Kampuchea controls and is administering all of Cambodia. Cambodia's seat in the United Nations and its affiliated Organizations, which by right has always belonged to the Royal Government of National Union of Kampuchea, automatically reverts to it.'

"/ See Paragraph 10 below."

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In accordance with the practice of the United Nations, the Conference will use the name 'Cambodia' in referring to that State. No communication has been received from the Royal Government of National Union with regard to the credentials for a delegation to the Conference.

3. The Chairman stated that after preparation of the memorandum formal credentials in due form had been received from Ghana, Israel, Kenya, Mauritius and Yugoslavia. In addition, the credentials of the representatives of Singapore had been communicated in the form of a cable.

4. The representative of Hungary said that in view of the new situation in Indochina, where the peoples of Viet-Nam and Cambodia had successfully fought their heroic struggle for national independence and self-determination, and in the light of the cable quoted in paragraph 10 of the memorandum, the report of the Committee should unequivocally state that the credentials of the delegations of the so-called "Republic of Viet-Nam" and the so-called "Khmer Republic" were null and void. At the same time, the Conference should recognize that the only authentic representatives of the South Vietnamese people, namely those of the Provisional Revolutionary Government of South Viet-Nam should be given the opportunity, without undue delay, to take their lawful seats at the Conference which had been denied to them in a most discriminatory manner. In the view of his delegation, the seat which had always belonged to the Royal Government of National Union of Cambodia could be taken by a delegation of that Government at any time they saw fit. With respect to the Democratic Republic of North Viet-Nam, the Committee should report that the communication from its Foreign Minister mentioned in paragraph 9 of the memorandum had made it clear that his Government was unable to accept the invitation to participate in the Conference precisely because of the refusal by the United Nations General Assembly to invite the Provisional Revolutionary Government of South Viet-Nam.

5. The representative of the Ivory Coast stated that African delegations, despite the absence of a South African delegation from the present session, would like to record their reservations with respect to the credentials of that Government in the past sessions. As for the communications from the former governments of Cambodia and South Viet-Nam, his delegation would support the view of the representative of Hungary that they were null and void, but opposed to mentioning anything on credentials which might in future be submitted since the Committee dealt only with those which had been submitted.

6. The representative of China stated that his delegation had pointed out on many occasions that the Royal Government of the National Union of Cambodia was the only legitimate government of Cambodia, and the usurpation of the Cambodian seat at the Law of the Sea Conference by the Lon Nol clique was entirely illegal. Cambodia was totally liberated and the Lon Nol clique had completely collapsed. No one could deny that the Royal Government of the National Union of Cambodia was the only legitimate government of Cambodia. Its lawful rights should be restored immediately. He also said that the Provisional Revolutionary Government of the Republic of south Vietnam was the genuine representative of the people of south Vietnam. Saigon was now liberated and the Saigon authorities collapsed. The Provisional Revolutionary Government of the Republic of south Vietnam was the only legitimate government in south Vietnam. In the view of his delegation, the participation of the representatives of the former Saigon authorities at the Conference and their so-called "credentials" were entirely illegal.

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7. The Chairman proposed that, as an exceptional measure, in order to avoid having to hold another meeting, the Committee accept, subject to later validation, the communications of those Governments which were listed in paragraphs 6 and 7 of the memorandum, except those of the Khmer Republic and the Republic of Viet-Nam, in lieu of formal credentials.

8. The Committee adopted the Chairman's proposal without objection.

9. The Committee further decided that the communications regarding participation in the Conference received from the Permanent Representative of the Government of the former "Khmer Republic" and from the Permanent Observer of the Government of the former "Republic of Viet-Nam" were invalid.

10. The representative of China made reservations as to the use in paragraph 9 above of the words "Khmer Republic" and "Republic of Viet-Nam".